

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

20230930-DK-BUTTERFLY-1, INC., f/k/a  
BED BATH & BEYOND INC.,

Plaintiff,

v.

RYAN COHEN and RC VENTURES LLC,

Defendants.

Case No. 1:24-cv-05874-NRB

**DECLARATION OF MAXWELL G. DILLAN IN SUPPORT OF  
DEFENDANTS RYAN COHEN AND RC VENTURES LLC'S MOTION TO DISMISS**

MAXWELL G. DILLAN declares, pursuant to 28 U.S.C. § 1746:

I am an attorney with the law firm of Wollmuth Maher & Deutsch LLP, counsel for Defendants Ryan Cohen and RC Ventures LLC (together, the "Cohen Defendants") and make this declaration in support of the Cohen Defendants' motion to dismiss the First Amended Complaint of Plaintiff 20230930-DK-Butterfly-1, Inc., f/k/a Bed Bath & Beyond Inc. The purpose of this declaration is to place before the Court the following documents concerning said motion, the significance of which is explained in the accompanying memorandum of law.

1. Attached hereto as Exhibit 1 is a true and correct copy of the relevant excerpts from the Quarterly Report on Form 10-Q that Bed Bath & Beyond Inc. ("BBBY") filed with the SEC on January 6, 2022. The Form 10-Q is publicly available on the SEC's website at:

<https://www.sec.gov/Archives/edgar/data/886158/000088615822000006/0000886158-22-000006-index.html>.

2. Attached hereto as Exhibit 2 is a true and correct copy of relevant excerpts from the press release that BBY filed with the SEC as an attachment to a Current Report on Form 8-K on April 13, 2022. The Form 8-K is publicly available on the SEC's website at:

<https://www.sec.gov/Archives/edgar/data/886158/000088615822000042/0000886158-22-000042-index.html>.

3. Attached hereto as Exhibit 3 is a true and correct copy of relevant excerpts from the Annual Report on Form 10-K that BBY filed with the SEC on April 21, 2022. The Form 10-K is publicly available on the SEC's website at:

<https://www.sec.gov/Archives/edgar/data/886158/000088615822000047/0000886158-22-000047-index.html>.

4. Attached hereto as Exhibit 4 is a true and correct copy of relevant excerpts from BBY's investor presentation for the fiscal third quarter ended November 27, 2021, which BBY filed as an attachment to a Current Report on Form 8-K on January 6, 2022. The Form 8-K is publicly available on the SEC's website at:

<https://www.sec.gov/Archives/edgar/data/886158/000088615822000004/0000886158-22-000004-index.html>.

5. Attached hereto as Exhibit 5 is a true and correct copy of a graph originally produced on Nasdaq.com, showing the daily trading prices of BBY's Common Stock for the range of mid-September, 2021 to the end of March, 2022, which was publicly available on Nasdaq.com prior to BBY being delisted from Nasdaq.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 9, 2024.

/s/ Maxwell G. Dillan

Maxwell G. Dillan